

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HARTFORD ACCIDENT AND
INDEMNITY COMPANY and
FIRST STATE INSURANCE COMPANY,

Plaintiffs,

v.

THE DOE RUN RESOURCES
CORPORATION and ZURICH
AMERICAN INSURANCE COMPANY,

Defendants.

No. 4:08-CV-1687 CAS

ORDER OF PARTIAL DISMISSAL

In accordance with the memorandum and order of this date and incorporated herein,

IT IS HEREBY ORDERED that plaintiffs' claims in Count Three of the Complaint relating to the BNSF settlement are **DISMISSED** for lack of ripeness pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.



**CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE**

Dated this 2nd day of October, 2009.